UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view

of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –,

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Levchin et al

(US 7089208) (Levchin).

Re claims 1, 14: Levchin teaches a method for automatically transferring credit between a stored

value fund and a handler using a wide-area computer network, the method comprising: receiving

automated transfer information at a server computer system from the wide-area computer

network coupled to a user associated with the stored value fund, the user using an interface to

communicate with the server computer system, the interface comprising one of a group including

a phone interface, an agent interface, an internet interface, a kiosk interface, and an ATM

interface (col. 7, lines 12-15, col. 3, lines 45-50, col. 1, lines 51-56); determining the handler

chosen by a user for an automated transfer, the handler comprising one of a group including a

promotion handler, a credit card handler, a debit card handler, a bank handler, and an agent

handler (col. 2, lines 37-39); determining the direction of the automated transfer with respect to

the stored value fund (col. 7, lines 12-15); determining an amount for the automated transfer (col.

5, lines 62-66); and automatically transferring the amount between the stored value fund and the

handler col. 5, lines 62-66).

Re claim 2: Levchin teaches a step of determining if a transfer period has expired (col. 4, lines

11-12; col. 14, line 64 through col. 15, line 2).

Re claim 3: Levchin teaches a step of determining if a threshold amount is crossed (col. 5, lines

62-66).

Re claim 4: Levchin teaches wherein: the determining the amount step comprising a step of

determining the difference between the threshold amount and a balance of the stored value fund;

and the difference is equal to the amount (col. 5, lines 62-66).

Re claim 5: Levchin teaches wherein the amount is included in the automated transfer

information (col. 4, lines 9-11).

Re claim 7: Levchin teaches wherein the server computer system comprises a plurality of

computers coupled together by a computer network (figure 1).

Re claim 8: Levchin teaches, wherein the handler includes at least one of a stored value fund, an airline mileage program, a gift certificate issuer, an electronic gift certificate issuer, and a money order issuer (col. 5, lines 62-66).

Re claim 9: Levchin teaches wherein the amount corresponds to at least one of: currency, monetary value, airline mileage, promotional program points, gift certificate credit, and commodities (col. 4, lines 34-41).

Re claim 10: Levchin teaches, wherein the automatically transferring step comprises at least one of the following steps: transferring the amount with a bank account; transferring the amount with a credit card or debit card; transferring the amount in a check or money order; transferring the amount to another's stored value fund; transferring the amount to an agent location chosen by the user; transferring a telegram or a greeting card with a check or money order for the amount; and transferring an electronic greeting card with an electronic payment notification for the amount embedded therewith (col. 7, lines 12-15).

Re claim 11: Levchin teaches steps of: retrieving a trigger condition that initiates the automatically transferring step; and determining when the trigger condition is satisfied (col. 5, lines 62-66).

Re claim 12: Levchin teaches, wherein the trigger condition includes at least one of: a credit

balance in the stored value find meeting a threshold; and a period of time expiring (col. 5, lines

62-66).

Re claim 13: Levchin teaches, wherein the user, the handler and the server computer system are

remotely located with respect to each other (figure 1).

Re claims 15 and 18: See claims 1 and 12 analyses, supra. Furthermore, Levchin teaches a

payment controller sending the amount to a payment conversion function, the payment

conversion function converting a form of the amount (col. 4, lines 34-36)

Re claim 16: See claims 1, 4 and 12 analyses, supra.

Re claim 17: See claims 1, 8 and 12 analyses, supra.

Re claims 19 and 24: See claims 1, 2 and 15 analyses, supra.

Re claim 20: See claims 1 and 3 analyses, supra

Re claim 21: See claims 1 and 4 analyses, supra

Re claim 22: See claims 1 and 12 analyses, supra.

Re claim 23: See claims 1 and 14 analyses (figure 1), supra

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levchin.

Re claim 6: Levchin does not explicitly teach a step of electronically notifying the user of the

automated transfer, wherein the electronic notification includes at least one of a web page, an

instant message, an e-mail message, a pager message, and a wireless phone message. Official

notice is hereby taken it is old and well known in the fund transfer art to provide notification to

user of the system. It would have been obvious to one of ordinary skill in the art at the time of

the invention to include this feature in Levchin teachings. One would have been motivated to do

so in order to confirm to the user that the value has been successfully transferred.

Response to Arguments

Applicant's arguments filed 9/21/2007 have been fully considered but they are not

persuasive. In response to applicant argument that Levchin fails to teach "the user using an

interface to communicate with the server computer system, the interface comprising *one of a*

group including a phone interface, an agent interface, an internet interface, a kiosk interface, and

an ATM interface," or "the handler comprising *one of a group* including a promotion handler, a

credit card handler, a debit card handler, a bank handler, and an agent handler". Examiner

respectfully disagrees. The claim limitation requires just one of a group as recited in the

limitation. Since Levchin teaches at least one of the interfaces and handlers, it meets the claim

limitation

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629.

The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HANI M. KAZIMI
PRIMARY EXAMINER